

# **EXHIBIT S**



DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS, SAVANNAH DISTRICT  
100 W. OGLETHORPE AVENUE  
SAVANNAH, GEORGIA 31401-3604

20 SEP 2019

Executive Office

RECEIVED

The Honorable Alan Wilson  
Attorney General, State of South Carolina  
Rembert C. Dennis Building  
Post Office Box 11549  
Columbia, SC 29211-1549

SEP 25 2019

Referred to E. Smith /PB  
Answered \_\_\_\_\_

Dear Mr. Wilson:

Thank you for your letter dated August 12, 2019, inquiring about a Section 401 Certification request to the South Carolina Department of Health & Environmental Control (DHEC) for the New Savannah Bluff Lock and Dam Project (NSBLD Project). You asked whether we are considering proceeding with our recommended alternative 2-6d, which calls for construction of a fixed weir with Dry Floodplain, and removal of NSBLD. This recommendation is under review at the U.S. Army Corps of Engineers (Corps), South Atlantic Division (SAD). No plan will move forward until we receive a final decision from the SAD Commander. We share your appreciation of the significance of the NSBLD Project and its potential effect on the residents of South Carolina.

We do not need another Section 401 Water Quality Certification for the proposed alternative. The type of material that would be placed in the Savannah River under any of the considered alternatives is consistent with the material described in the Savannah Harbor Expansion Project (SHEP) 2012 Final Environmental Impact Statement (FEIS). We also note the construction of a fish passage would always have resulted in a water level lower than the current level. This was known to all parties at the time the permit was issued. Also, this project is exempt from a Construction in Navigable Waters Permit under the express provisions of South Carolina law.

The Corps remains open to further discussions with you and the Office of the Governor in order to ensure a course of action that complies with all applicable laws and protects the interests of all stakeholders.

Sincerely,

S.C Attorney General's Office  
Civil Division

SEP 25 2019

Received by mlw  
Reviewed by/Date \_\_\_\_\_  
Referred to/Date Parikh 9/25/19  
Notes: \_\_\_\_\_

  
Daniel H. Hibner, PMP  
Colonel, U.S. Army  
Commanding

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